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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,938	07/10/2003	Eishiro Otani	Q76369	9936

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EXAMINER

BODDIE, WILLIAM

ART UNIT PAPER NUMBER

2674

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/615,938

Applicant(s)

OTANI ET AL.

Examiner

William Boddie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/13/06</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on January 17<sup>th</sup>, 2006. These drawings are acceptable.

### ***Response to Arguments***

2. Applicant's arguments with respect to the double patenting rejection of claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments, see section II, filed January 17<sup>th</sup>, 2006, with respect to the rejection(s) of claim(s) 1-24 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17-36 of copending Application No. 10/242,666 in view of Tokunaga (US 6,344,715). The

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following is an example for comparing claim 1 of this application to claim 23 (which contains all of the limitations of claim 17) of copending application 10/242,666.

10/615,938 (Claim 1)	10/242,666 (Claim 23)	US 6,344,715
A display device which, according to pixel data for each pixel based on an input image signal, displays an image corresponding to the input image signal, comprising:	A display device for displaying an image corresponding to an input video signal in accordance with pixel data of each pixel based on said input video signal, comprising:	
A display panel, having a front substrate and rear substrate positioned in opposition such that a discharge space is formed between the front substrate and rear substrate	A display panel having a front substrate and a back substrate opposing each other across a discharge space	
a plurality of row electrode pairs provided on an inner surface of the	A plurality of row electrode pairs arranged on an inner surface of	

front substrate such that each row electrode pair defines a display line, and a plurality of column electrodes arranged on an inner surface of the rear substrate such that the plurality of column electrode intersect the plurality of row electrode pairs	said front substrate, a plurality of column electrodes arranged on an inner surface of said back substrate to intersect with said row electrode pairs,	
and such that a unit light emission area including a first discharge cell and a second discharge cell is formed at each intersecting portion of the plurality of row electrode pairs and the plurality of column electrodes, the second discharge cell having a light-absorbing	and an unit light emission region formed at each of intersections of said row electrode pairs and said column electrodes and including a first discharge cell and a second discharge cell having a light absorbing layer;	

layer and		
A secondary electron emission material layer such that the secondary electron emission material layer is formed on or near the rear substrate within each of the second discharge cells;		Material layer: 17 in fig. 6 Rear Substrate: 201 in fig. 6 Also note column 7, lines 53-57
Addressing means for applying scan pulses sequentially to one of the row electrodes in each of the row electrode pairs and applying a pixel data pulse derived from the pixel data to each of the column electrodes, for one display line at a time, with the same timing as the scan pulse, to	Addressing means for sequentially applying a scanning pulse to one row electrode of each said row electrode pair while sequentially applying each said column electrode with pixel data pulses corresponding to said pixel data one display line by one display line at	

selectively induce address discharge in the second discharge cells, thereby setting the first discharge cells into either a lit state or into an extinguished state; and	the same timing as said scanning pulse to selectively produce an address discharge in said second discharge cell to set said first discharge cell to one of a lit cell state and an unlit cell state; and	
Sustain means for repeatedly applying a sustain pulse to each of the row electrode pairs to induce sustain discharge only in those of the first discharge cells which are in the lit state.	Sustaining means for repeatedly applying a sustain pulse to each said row electrode pair to produce a sustain discharge only in said first discharge cell set in said lit cell state.	
Reset means for applying a positive-polarity reset pulse to at least one of two row electrodes in each said row electrode	Resetting means for applying a reset pulse between one row electrode of said row electrode pair and one	

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pair, prior to the address discharge caused by the addressing means,	row electrode of an adjacent row electrode pair prior to said address discharge by said addressing means (claim 23 body)	
to induce reset discharge across the column electrode and the row electrode pair in each second discharge cell.	to produce a reset discharge in said second discharge cell. (claim 23 body)	

6. As can be seen above, claim 23 of copending application 10/242,666 differs from claim 1 of the application in not having a secondary electron emission layer on or near the rear substrate. However, Tokunaga teaches a display device having a secondary electron emission material later (17 in fig. 6) on or near a rear substrate (201 in fig. 6).

7. Therefore, at the time of the applicant's invention it would have been obvious to a person of ordinary skill in the art to include a secondary electron emission material layer on or near the rear substrate in the currently pending application. The motivation for doing so would have been to improve the priming effect further (Tokunaga, col. 8, lines 3-4).

This is a provisional obviousness-type double patenting rejection.

### **Conclusion**



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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Will Boddie whose telephone number is (571) 272-0666.

The examiner can normally be reached on Monday through Friday, 7:30 - 4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wlb  
3/3/06

AMR A. AWAD  
PRIMARY EXAMINER

